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*Attorneys for Defendant Inland Real Estate Acquisitions Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|   |   |                      |
|---|---|----------------------|
| -----   | X |                      |
| CERUZZI HOLDINGS, LLC and                     | : |                      |
| CERUZZI PHILIPSBURG, LLC,                     | : | Civil Action No.     |
|   | : | 3:09-cv-5440-MLC-DEA |
| Plaintiffs,                                   | : |                      |
|   | : |                      |
| v.  | : |                      |
|   | : |                      |
| INLAND REAL ESTATE ACQUISITIONS INC. and      | : |                      |
| INLAND WESTERN RETAIL REAL ESTATE TRUST, INC. | : |                      |
|   | : |                      |
| Defendants,                                   | : |                      |
| -----   | X |                      |

**INLAND REAL ESTATE ACQUISITIONS INC.'S MEMORANDUM IN SUPPORT OF  
ITS PARTIAL MOTION TO DISMISS PURSUANT TO FRCP 12(B)(6)**

In support of its Partial Motion to Dismiss, and to best serve justice and avoid unnecessary or duplicative effort, time, or expense to the Court and the parties involved, Inland Real Estate Acquisitions Inc. ("IREA"), now adopts and joins in Defendant Inland Western

Retail Real Estate Trust, Inc.'s ("Inland Western") Partial Motion to Dismiss the Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Brief in Support of its Partial Motion to Dismiss in their entirety, including any and all contents, statements, and arguments. For all reasons stated in Inland Western's Motion and Brief in Support, IREA requests that this Court dismiss with prejudice Plaintiffs Ceruzzi Holdings, LLC's and Ceruzzi Phillipsburg, LLC's first, second, third, and sixth causes of action and strike paragraphs "A", "B", and "D" of the *ad damnun* clause from the Complaint.

Dated: December 23, 2009

/s/ Anne B. Sekel  
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